

Attorney Docket No. 6213.200-US
Hoeg-Jensen et al.
Serial No. 09/870,884 Filed May 31, 2001
Via Facsimile No.: 571-273-8300

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RESPONSE

The examiner states in the Office Action Summary that claims numbered 1-3 and 5-29 are pending in the application; claims numbered 1-3, 5-16, 21-26, 28 and 29 are rejected; claims numbered 17-20 and 27 are objected to.

(1) The examiner states claims 6, 21 and 22 are objected to because of the following informalities: The spelling of "sulfon" should be checked; claims 21 and 22 the word "trisaccharide" is misspelled.

Applicant has amended claims numbered 6, 21 and 22 to correct the spelling errors.

(2) The examiner states claims numbered 1-3, 5-16, 21-26, 28 and 29 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4, 6-11, 14-28 and 31-35 of copending Application Serial No.: 10/307,678 (the "678" application, Attorney Docket No. 6440.200-US). The conflicting claims are not identical, however they are patentably indistinct from each other because the claims of the '678 application anticipate the present claims.

Applicant will timely file a Terminal Disclaimer upon identification of allowable claims.

(3) The examiner states claims numbered 1-3, 5, 6, 11, 16, 21-24, 26 and 28 are rejected under 35 U.S.C. §102(b) as being anticipated by Miyazaki et al. (U.S. Patent No. 5,478,575). Miyazaki et al. teach sugar-responsive polymer complexes which are used to treat diabetes.

To further prosecution, Applicant has amended claim 1.

Applicant respectfully requests reconsideration and withdrawal of the rejection of claims numbered 1-3, 5, 6, 11, 16, 21-24, 26 and 28 under 35 U.S.C. §102(b).

(4) The examiner states claim number 10 is rejected under 35 U.S.C. §102(b) as being anticipated by Miyazaki et al. (U.S. Patent No. 5,478,575) as applied against claims numbered 1-3, 5, 6, 11, 16, 21-24, 26 and 28, and further in view of PCT Application Publication Number 84/01896.

To further prosecution, Applicant has amended claim 1, thereby mooting the examiner's rejection.

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Applicant respectfully requests reconsideration and withdrawal of the rejection of claim number 10 under 35 U.S.C. §102(b).

(5) The examiner states claim number 25 is rejected under 35 U.S.C. §103(a) as being obvious over Miyazaki et al. (U.S. Patent No. 5,478,575) as applied against claims numbered 1-3, 5, 6, 11, 16, 21-24, 26 and 28, and further in view of PCT Patent application Publication Number 99/21888.

To further prosecution, Applicant has amended claim 1, thereby mooting the examiner's rejection.

Applicant respectfully requests reconsideration and withdrawal of the rejection of claim number 25 under 35 U.S.C. §103(a).

(6) The examiner states claims numbered 17-20 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

To further prosecution, Applicant has amended claim 1, incorporating the limitations of claim number 17.

Applicant respectfully requests reconsideration and withdrawal of the objection to claims numbered 17-20 and 27.

The examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this amendment or application. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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